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December 9, 2010

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## RIGHT OF WAY OCCUPANCY NEW PERMITS

1. DALE MANSON  
COUNTY:BROWARD

Permit Number 13752  
Appl. Number 10-0927-1

AUTHORIZING:

80 LINEAR FOOT SEAWALL, DOCK, PROPOSED BOAT LIFT AND 3 MOORING PILES WITHIN THE SOUTH RIGHT OF WAY OF HILLSBORO CANAL LOCATED AT THE REAR OF 69 NE 11 WAY. (LOT 13, BLOCK 7, LITTLE HARBOR ON THE HILLSBORO).

LAST DATE FOR BOARD ACTION: **01/13/2011**

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## RIGHT OF WAY OCCUPANCY PERMIT MODIFICATIONS

1. STEWART & SUSANE LANG  
COUNTY:ST. LUCIE

Permit Number 13547  
Appl. Number 10-1018-1M

AUTHORIZING:

EXISTING BRICK PAVER PATHWAY ENCROACHING WITHIN THE SOUTH RIGHT OF WAY OF C-24 CANAL AT THE REAR OF 2709 S.W. ANN ARBOR ROAD (LOT 23, BLOCK 2934, PORT ST. LUCIE SECTION 41).

LAST DATE FOR BOARD ACTION: **01/13/2011**

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## RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF CRITERIA

1. Consideration of a request by **Francisco Herdocia** (Application No. 10-0913-1M, Permit (MOD) Number 12119) for issuance of a Modification to Right of Way Occupancy Permit Number 12119 to allow a portion of a temporary children's playhouse located inside the previously-authorized fence enclosure to remain and Waiver of the District's Criteria to allow an existing hedge located outside and adjacent to the existing fence remain within the west right of way of C-100C at the rear of the 9951 S.W. 124 Terrace, Miami, FL. Location: Miami-Dade County, Section 17, Township 55 South, Range 40 East.

The applicant's request for Waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works and Lands of the District is based on "substantial hardship" and "principles of fairness". The applicant asserts that the hedge and the playhouse existed prior to his purchase of the property this past year and it has not impeded District and/or the District's contractor vehicular use. Applicant states that he would have to incur additional expense to remove the hedge and other homes in this area have similar permitted hedges and playhouses. The District's Operations Resource Management staff has determined that the existing above-ground facilities do not significantly interfere with the District's access and ability to perform necessary construction, alteration, operation and maintenance activities, so the purpose of the underlying statute will be achieved.

The District's Governing Board granted a Waiver of the District's criteria governing the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank authorizing the existing fence enclosure on July 9, 2003.

The applicant's petition has been reviewed by the Office of Counsel for compliance with the applicable legal requirements. Pursuant to section 120.542(6), F.S. notice of the petition was provided to the Department of State and was published in *Volume 36, Number 45 of the Florida Administrative Weekly on November 12, 2010*. No public comments were received.

Therefore, staff recommends **approval** of the issuance of a Modification to Right of Way Occupancy Permit Number 12119 and **approval** of the petition for Waiver of the District's criteria which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District.

(Fee)